

REPORT OF THE  
25<sup>TH</sup> ARIZONA INDIAN TOWN HALL

JUNE 6-8, 2005

SECURING ARIZONA'S COMMUNITIES:  
BUILDING A MODEL FOR STATE-TRIBAL COLLABORATION

*EXECUTIVE DIRECTOR'S FOREWORD*

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The Arizona Commission of Indian Affairs is proud to offer the Final Report of the 25<sup>th</sup> Annual Arizona Indian Town Hall (AITH). This report reflects the hard work of nearly 100 participants from federal, state, local and tribal governments, private sector firms and community members who worked together to find solutions to secure Arizona's communities.

The AITH Report is designed to be a "snapshot" of participants' perceptions and understanding of the issue or issues under discussion, and to provide recommendations for policy changes to resolve concerns raised during the discussions. The AITH Report will also serve as a "report card" on existing policies and outreach by the state on homeland security and emergency management programs.

This year's AITH topic was particularly timely, as participants examined issues related to homeland security, emergency management and border security in Arizona. Unlike education, health care, transportation or other issues important to tribes and familiar to policymakers, these are all new and emerging issues. During our 2 ½ day forum, we found that due to the developing nature of homeland security and emergency management, tribes are not aware of the many programs available to them to in helping secure their communities from both intentional acts and natural disasters. Indeed, this report will reflect the gaps in communications between the state, tribes and other entities, and will help identify the areas where increased outreach should be implemented, to ensure that all of Arizona's communities are fully secured.

INTRODUCTION

After the 9/11 terrorist attacks in 2001, the United States realized that no one in the country is truly immune from terrorism. In order to prevent and protect us from acts of terrorism on our own soil, Congress enacted the Homeland Security Act (P.L. 1037-296) in 2002; this law restructured the federal government's executive branch by establishing the U.S. Department of Homeland Security. Following the lead of the federal government, state governments established their respective homeland security agencies. Under the Homeland Security Act, nearly \$4 billion has been made available to state governments without direct appropriations to tribal governments. This report will examine how Indian Nations and Tribes can work with the state to ensure that they are at the table during the policy and budget development process on matters that affect their interests in protecting their communities.

In Arizona, several Arizona Nations and Tribes are particularly impacted by border security issues. For example, the Tohono O'odham Nation spends over \$7 million each year to protect its borders and mitigate the physical destruction caused by illegal border crossers and drug smugglers. However, the Nation has received no federal funding to assist it in its border control efforts. The AITH Report will examine how a state-tribal collaboration might raise awareness of these issues and persuade Congress to allocate funding directly to the Tohono O'odham Nation and other border tribes for their border security.

Additionally, events such as the Rodeo-Chediski and Kinishba fires in northeastern Arizona and recent floods resulting from severe winter storms in both tribal and non-tribal communities have highlighted issues impacting emergency management in tribal communities. Although there has been some movement towards better collaboration between tribes, counties and the state, much more remains to be done. The AITH report will examine how well tribal communities are prepared to cope with fire, flood and other natural and man made disasters. This report will also present recommendations that could assist tribal governments in developing more effective prevention and mitigation strategies to deal with emergencies. Participants also discussed the role cultural values play in emergency planning and mitigation efforts, and the report will discuss recommendations on incorporating traditional cultural values into emergency planning.

On June 6-8, 2005, the 25<sup>th</sup> Annual Arizona Indian Town Hall brought together nearly 100 representatives from federal, state, local and tribal governments, private sector firms and communities to discuss these and other issues and looked at the development of policy recommendations. This is their report.

## PANEL DISCUSSION I: HOMELAND SECURITY, EMERGENCY MANAGEMENT AND BORDER SECURITY IN TRIBAL COMMUNITIES

*Question 1: Federal trust responsibility –What additional policies would you employ to further the federal government's trust responsibility towards tribes in the area of homeland security? How can tribes secure their fair share of funding from the Homeland Security Act? How can the state and tribes work together to advocate for more equitable federal funding for homeland security? How can the state and tribes work together to better address risk and vulnerability on tribal lands? (Discuss some of the unique circumstances in Arizona tribal communities) How can border tribes, such as the Tohono O'odham Nation, obtain more assistance from the federal government to better manage their border issues? How can the state and tribes work together to advocate for federal assistance? How can the state work with border tribes to enhance border enforcement? Do you think forming a National Tribal Homeland Security Association is a good idea? Why or why not?*

Participants recommend that the federal government must be held accountable for securing the border and providing homeland security and emergency management services to the tribes. Participants recommend that policies need to be expanded to be inclusive of tribal and non-tribal members as well as land and other resources. Tribes should engage in a collaborative effort to strongly lobby the federal government to live up to its trust responsibility. Participants recommend that the federal government should not rely on tribal resources to secure borders.

Participants recommend that all governments (including tribes, counties, states, etc.) should have an established emergency management program which would be the point of contact in accordance with the National Incident Management System (NIMS). Participants also recommend that tribes collectively identify critical infrastructure, vulnerabilities and threats that are within their jurisdictions, so as to be

included in homeland security funding streams. Participants recommend that current programs, such as the Homeland Security Task Force of the National Congress of American Indians<sup>1</sup> be explored to provide insights and direction for tribal homeland security efforts.

A recommendation was made that the Arizona Commission of Indian Affairs (ACIA) meet with the U.S. Attorney to ensure that the state's homeland security office is complying with federal regulations in regards to funding and intergovernmental issues relating to tribal homeland security efforts.

Participants strongly recommend that homeland security funding should be directly appropriated to tribes by the federal government. They support the passage of H. R. 3266 (The Faster and Smarter Funding for First Responders Act of 2003) and S. 578 (Tribal Government Amendments to the Homeland Security Act of 2002), which would accomplish this. Technical assistance is needed to ensure that tribes manage homeland security funds effectively.

In the interim, pass-through funding streams should be further examined<sup>2</sup>.

Participants recommend that current homeland security and emergency management mutual aid policies, where the state and the tribes share resources, be enhanced and strengthened to ensure that resources will be shared in emergency situations. There is \$40 million currently available to the state for hospital medical costs for undocumented immigrants; the tribes should ask to participate in this program. Tribes should ensure that the Indian Health Service (IHS) and 638 facilities<sup>3</sup> participate in this program.

Participants also recommend that additional sources of federal funding that can be granted directly to tribes be utilized to the maximum effect. For example, some participants recommend that tribes pursue Federal Emergency Management Agency (FEMA) fire grants. Some participants recommend that creating an Arizona or a regional tribal homeland security association would best help identify these sources of funding and develop a coordinated tribal homeland security strategy. However, other participants recommend that a national organization with clearly-defined goals would accomplish these goals.

*Question 2: State-tribal homeland security collaboration – Is the current state-tribal homeland security collaboration system working? Discuss why or why not. Discuss the Regional Advisory Councils (RAC). How can this system be made to work more effectively? Would more tribal membership on RACs be a good idea? Why or why not? Could letters of acceptance (LOA) be used instead of intergovernmental agreements (IGA) to convey homeland security grant funding to tribes? How could the tribes and the state utilize letters of acceptance to streamline agreements? How do the Arizona Department of Emergency Management (ADEM, also known as DEMA) and the tribes work together? How can this relationship be enhanced?*

Participants recommend that, although tribes are pursuing changes to the Homeland Security Act that will appropriate homeland security funding directly to tribal governments, that the tribes should still support the Regional Advisory Councils (RAC) as an alternative funding source in the interim. Some

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<sup>1</sup> After their initial meeting on June 14, 2005, the NCAI Homeland Security Task Force circulated a white paper that will assist tribal leadership in addressing their homeland security concerns in the U.S. Congress.

<sup>2</sup> For example, the U.S. Department of Agriculture offers grants for disease protection in animals during emergencies <<http://www.aphis.usda.gov/vs/highlights/section4/section4-2.html>>. 15 June 2005.

<sup>3</sup> P.L. 93-638, the Indian Self-Determination and Education Reconciliation Act, gave tribal governments the ability to assume management of programs formerly managed by the federal government, such as health care and education.

participants felt that the Northern RAC<sup>4</sup> works the best to serve tribal needs because of its current organizational structure. Others recommend that the Northern RAC's tribal subcommittee could serve as a model for the other regions. Subcommittees should be composed of first responders, tribal leaders and knowledgeable emergency managers, say participants; tribes should also appoint an alternate member. Some participants felt they were under-informed about the state-tribal homeland security collaboration. Some others felt that communities lack awareness of threat levels. Participants recommend that emergency responders look at not just terrorist acts, but at natural disasters, bioterrorism or other such catastrophic acts when developing emergency response and mitigation plans.

Participants recommend that more collaboration between tribes and counties is needed. Some participants believe that the state is taking a back seat on this issue, and is relying too much on counties to work with tribal governments. They sense that there are no checks and balances to ensure that tribes are incorporated in county emergency plans. They also perceive that rural tribes are generally in worse shape than are urban-area tribes.

Participants recommend that either IGAs or LOAs could work, and that whichever is the most effective method for a particular tribe be employed. Others recommend that LOAs are the best way to go, since some IGAs may require waivers of sovereign immunity, other stringent terms and conditions that are unacceptable to some tribal governments, especially at the county level. Participants are also concerned that the governor may not have the authority to sign LOAs. In any case, legal advice should be solicited to ensure that funding streams are protected.

Participants recommend that education and outreach are needed to enable tribal governments to make best use of programs offered by the Arizona Division of Emergency Management (ADEM). They recommend that ADEM could provide training on their available programs and services to tribal communities, which will free up homeland security funds for other uses. The relationship between ADEM and tribes could be enhanced if the state were to work directly with tribes, participants note.

They also recommend that a commitment be made to emergency management by the tribal governments, and that each tribe appoint a tribal emergency manager. They further recommend that, if the county and tribal relationship is contentious, ADEM should provide training on emergency management and provide funding for the emergency manager's salary. Some participants recommended that the Inter Tribal Council of Arizona (ITCA) take the lead in coordinating the outreach and education effort, using information from ADEM and other resources. Participants stress that tribes must be proactive in attending quarterly ADEM meetings to assure better communications between all parties. Participants recommend that tribes should be included in ADEM's strategic planning and performance measures to ensure that tribes receive training and funding.

Participants state that tribal entities should not be responsible for issues caused by the growth of surrounding communities, although tribes recognize that they may have some short-term obligations toward their neighbors. Participants note that tribes want to develop a good-neighbor policy with bordering communities, which should include discussions with these communities.

*Question 3: Identity theft and homeland security concerns – What strategies can the state and tribes employ to combat the threat of identity theft? How can the private sector partner with tribal communities to better deal with identity theft? How*

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<sup>4</sup> In the Northern RAC, a tribal sub-committee is comprised of the eight tribes in the region. Tribal representatives include tribal leaders, fire chiefs, police chiefs, emergency medical services responders and emergency managers. The Northern RAC tribal representative serves as the chair of the tribal sub-committee. The chair provides recommendations from the tribal sub-committee to the full complement of Northern RAC members.

*can financial literacy education contribute to identity theft prevention?*

Participants recommend using the model of the “Get out the Vote” initiative to educate tribal communities on the grass-roots level to combat identity theft, develop more programs on financial literacy and raise awareness on the importance of this issue. Tribes should also partner with financial institutions to develop and provide this training. Tribes should also update their financial technology to prepare for electronic security. The state should increase awareness and education of policy changes with regard to the use of Social Security numbers on driver’s licenses, and the tribes should also assess their policies of using Social Security numbers on tribal identity cards. ACIA should post information on identify theft on its Web site. They also recommend that the Commission meet with the U.S. Attorney and the Arizona Attorney General to discuss the issue of prosecuting non-Indian offenders on tribal lands regarding identity theft crimes. Banks should be cognizant of the needs of consumers who are in remote areas and those consumers who lack available technology.

## PANEL DISCUSSION II-- INTELLIGENCE AND INFORMATION SHARING AMONG GOVERNMENTAL ENTITIES

*Question 1: Communications – What policies can the state and tribes strengthen to increase intergovernmental communications? What other policies could be developed? What is the role of the Arizona Counter Terrorism Information Center (ACTIC), and how can it serve tribal governments more effectively? How can we improve formal communications between the state and tribes, to enhance emergency management and homeland security? Tribes have different homeland security priorities and issues; however, many tribal governments feel that they are being lumped together in policy decisions. How can tribes work together to develop goals and advocate for policy changes while maintaining their respective identities as tribal communities? (Discuss unique circumstances on tribal lands) What mechanisms can be put in place whereby local, state, federal and tribal governments develop policies to respond to emergencies by sharing resources? How can local, state, federal and tribal governments work to address inter-jurisdictional concerns?*

Participants recommend that RAC members provide a funding presentation to the Indian Country Intelligence Network (ISIN), an organization of tribal police chiefs<sup>5</sup>. The participants also recommend that the tribes create specific points of notification for National Response Center (NRC) reports. They also recommend that ACIA, the Arizona Office of Homeland Security (AOHS) and ITCA collaborate to create and keep current a listserv, and disseminate a directory of all 22 tribes’ emergency management/homeland security program directors and contacts. They also recommend that this list include federal and state funding sources, because they perceive that the tribes are being left out of state funding. They further recommend that a pamphlet or brochure be developed with this information for distribution.

Participants recommend that tribes take the initiative and attend local government meetings, such as county supervisor meetings, and invite non-tribal governments to attend tribal council meetings. Participants note the Ak-Chin Indian Community as a model; Ak-Chin’s officials meet with county and

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<sup>5</sup> In April 2003, the Indian Country Intelligence Network (ICIN) comprised of Indian Country police chiefs unanimously voted to serve as the Arizona Law Enforcement Coordinating Committee (LECC) Advisory Subcommittee on Native American Issues, thus continuing the expansion and interaction between the LECC and the Arizona tribal law enforcement agencies. The LECC Advisory Subcommittees have been able to bring their concerns before the LECC Executive Committee for updates, advice, and on occasion, requests for support. The LECC Executive Committee is a representative group of federal, state, local and tribal criminal justice agencies. This group of approximately 40 members provides a valuable sounding board for the different subcommittees and their critical issues.  
<<http://www.usdoj.gov/usao/az/reports/2003rpt/lecc.pdf>>. 9 May 2005.

local governments regularly. Participants also point to other states' efforts to establish intergovernmental communications.

The state government and agencies need to acknowledge that each of the 22 Arizona Indian Nations and Tribes have their own tribal government systems, policies and procedures. Participants recommend that, in order to develop long-term communications between the state and tribal communities, the ACIA needs to play a role in keeping communications lines open.

It is recommended that state and federal leaders and tribal leaders put mechanisms in place to assure continuity of communications between state and federal leaders and tribal leaders. Because of the new trend of tribes applying directly to FEMA for post-disaster funding, participants recommend that the tribal liaisons at FEMA and the U. S. Department of Homeland Security establish more formal, regular communications with tribes. The U. S. Department of Justice should simplify the process for tribal grant funding. They also recommend that each tribe appoint a homeland security manager who will be responsible for communicating with the appropriate agency or agencies.

The participants recommend that representatives from the Arizona Counter Terrorism Information Center (ACTIC) visit with tribes to see first hand the homeland security issues specific to each Indian Nation. They also recommend that a tribal rep should be assigned to ACTIC, perhaps a member of the Indian Country Intelligence Network (ICIN), and that this position be funded by AOHS. Also, they recommend that the Arizona Department of Public Safety develop a contact list of ACTIC personnel for tribes.

Some participants recommend that an IGA or other agreement be created between ACTIC and tribes to increase information sharing, particularly with the Tohono O'odham Nation and other border tribes because of their border issues. Others demand that the federal and state governments treat tribes as equals concerning the sharing of intelligence, with the goal of guaranteeing the right of every tribe to receive that information from ACTIC. Some participants felt that ACTIC should have been represented at the AITH.

Tribes should make more use of AOHS's tribal liaison, and utilize their RAC representative more effectively, say participants. Tribes should also assess their internal tribal policies on homeland security and emergency management. Participants recommend that tribes also access state trade newsletters such as the Arizona Emergency Response Commission (AZSERC) newsletter, on the World Wide Web and through other sources. Some participants recommend that tribes work more closely with ITCA, since they already have a bioterrorism coordinator's workgroup in place.

Participants recommend that tribes should get to know their partners in emergency management and homeland security issues, which will strengthen ties. They also recommend that tribal officials attend and/or take advantage of training sessions whenever possible, such as FEMA's free online training.

Participants recommend that tribes should also continue to build on communications opportunities presented by participating in RACs. Participants note that communications between tribes and counties appear to be working well; one example noted was Apache County<sup>6</sup>. Participants note that tribes have different views on how the state interacts with the tribes; some tribes are open to regionalization, while others are not as open.

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<sup>6</sup> Apache County is part of the Northern RAC, which participants note works the most effectively to deliver homeland security funding and other related services to tribal governments.

Participants note that tribes have prioritized the protection of public infrastructure as it relates to homeland security. Participants recommend that the ACIA consider hosting a workshop for leaders from the 22 Arizona Indian Nations and Tribes and invite state homeland security and emergency management officials to better clarify and explain homeland security priorities. They recommend that tribes use the Northern RAC tribal subcommittee as a model to advocate for policy issues, because of its success in delivering funding and services to its member tribes.

Participants also recommend that tribes partner with private entities in road construction, and that they develop a model that can be used to build transportation infrastructure. Participants also recommend that the ACIA conduct a feasibility study on using Highway User Road Fund monies. They are also concerned about the division of tribes into multiple regions. Participants recommend that the Stafford Act be amended to treat tribes as a single state when allocating emergency mitigation funds<sup>7</sup>.

Participants want to ensure that tribes are treated equally with states. Tribes should enter into agreements with federal and state entities to deal with emergencies. Participants also recommend that tribes work with counties to ensure their concerns are addressed. Participants point to mutual respect and cooperative efforts such as during the Rodeo-Chediski Fire, where the White Mountain Apache Tribe agreed to allow lake water to be used to fight the fire, provided that one lake that was sacred was not used.

Participants recommend that communications is the key to interjurisdictional issues. One model noted was Ak-Chin's use of cross-deputization of local law enforcement officers. MOUs and MOAs can be used to address liability and/or overtime pay issues. Participants recommend that workshops be held to educate local and state law enforcement agencies on jurisdictional boundaries. Another area of concern is that, because tribal police do not have jurisdiction over non-Indians by law, that no mechanism exists to take non-Indian offenders into custody in a timely fashion.

*Question 2: Agency interoperability (e.g., streamlining communications) – How can local, state and tribal governments, and homeland security/emergency management (HS/EM) agencies work together to solve issues related to developing communications systems that can talk to each other in emergency situations (interoperability)? Discuss “dead zones” in rural Arizona, incompatible communications systems between fire, police and other EM responders. How can local control of governments be respected while building a truly interoperable statewide emergency communications system?*

Participants recommend that state agencies work to ensure that tribal governments are included in the process of developing interoperable communications systems. Participants agree that “dead zones” are huge issues across the state<sup>8</sup>. Some feel that statewide coverage will never be accomplished because of the lack of funding to build communications infrastructure and because of sacred sites where no towers can be built. Participants recommend that tribes can be proactive on the communications issue by working to educate state and private entities on protecting sacred sites. The use of MOUs and MOAs can help open up intergovernmental communications with surrounding communities to help build interoperable systems. Participants recommend that all entities work together to decide in advance what system they

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<sup>7</sup> The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), as amended by Public Law 106-390, October 30, 2000 (Stafford Act) governs conditions under which communities may apply for federal disaster aid. “Under this conditions under which communities may apply for federal disaster aid. “Under this law FEMA has the authority, based upon the declaration of a disaster by the President, to use federal funds to provide assistance to states and local communities.” Veterans’ Administration. “Definitions.” 2 Dec. 2002. 5 May 2005.  
<<http://www1.va.gov/emshg/apps/emp/emp/definitions.htm>>.

<sup>8</sup> A “dead zone” is an area where wireless communications such as radio and/or cell phones do not work.

will all use for emergency systems. Communications systems funded by RACs need to be compatible with state communications systems, say participants. Navajo Rangers' communications system can be used as a model<sup>9</sup>. Participants also recommend that all 22 tribes develop intertribal communications systems, without duplicating existing systems. Tribes should interface with the state's central communications system<sup>10</sup>. A national tribal homeland security association could be an avenue in creating such a system, participants say.

Participants feel that it's not a matter of respecting governments so much as a matter of protecting people when building an interoperable communications system. Some participants believe that the technology for interoperability exists now. Participants recommend that utilizing this technology would allow for tribes to participate with outside interoperable communications projects by allowing tribes control over the information they disseminate<sup>11</sup>. Agreements, trust and respect between agencies and governments must be in place, say participants; protocols should also be in place to protect local communications systems, including the investment of resources into these systems. Education and outreach is necessary to understand tribal sovereignty, say participants. Participants stress that tribes should be careful as to what information is released, especially through the Internet. Participants recommend that provisions of the Privacy Act should be taken into account when developing information sharing protocols<sup>12</sup>. Participants recommend that tribal interests should be taken into account when the governor works on this issue<sup>13</sup>.

*Question 3: Databases and electronic communications – How can local, state and tribal governments work together to provide greater database access with and between their emergency management and homeland security personnel and agencies?*

In regard to database access, some participants were adamant that the question is political, not technical. Some tribes may not permit access to tribal information. Some participants expressed concern of the risk that the state could use this information against the tribe someday, and recommended that tribes should consider all factors in deciding whether to participate in a joint database project. In any type of information sharing, tribal sovereignty should be understood and respected.

<sup>9</sup> Navajo Rangers are part of the Navajo Nation Parks Department; they are the counterparts of other park rangers.

<sup>10</sup> Arizona's Survivability Capability Management Plan analyzes mode, risk, redundancy and capability in developing a statewide emergency communications system. In addition to telephone, satellite telephone and Internet communications, the State Emergency Operations Center maintains multi-band radio systems, which are able to communicate with local, state, and federal agencies. The State Emergency Operations Center has communications capabilities in the HF, VHF and UHF bands including packet radio capability (digital data transmission) and four communications consoles supporting the Radio Amateur Civil Emergency Service (RACES), state agencies and Civil Air Patrol. 1 July 2004. 20 June 2005.

<http://www.dem.state.az.us/logistic/>.

<sup>11</sup> Pima County is currently developing a planning and implementation of a regional public safety communications system. Pima County Sheriff Clarence Dupnik has been designated chairman of the Executive Management Committee. He will be joined by representatives of the four largest law enforcement agencies and three largest fire departments in Pima County, as well as the Pima County Office of Emergency Management and Homeland Security. In all, 32 agencies are involved with this project; this is an unprecedented county-wide cooperative effort. The end result will be county and city dispatch operations, combined with emergency services, under one new multi-agency communications system.

<<http://www.bonds.pima.gov/Wireless/Wireless.htm>>. 20 June 2005.

<sup>12</sup> The Privacy Act of 1974, 5 U.S.C. § 552a (2000), which has been in effect since September 27, 1975, can generally be characterized as an omnibus "code of fair information practices" that attempts to regulate the collection, maintenance, use, and dissemination of personal information by federal executive branch agencies.

<<http://www.usdoj.gov/04foia/1974intro.htm>>. 20 June 2005.

<sup>13</sup> At the Arizona Homeland Security Summit, held on March 29-30, 2005 in Phoenix, recommendations included recommendations included fully integrating tribes into every facet of state homeland security strategy.



Other participants felt that funding is an issue; for example, the software required for database systems is expensive. They felt that information sharing between first responders, tribes, state and other entities is necessary, and recommended that an MOU or MOA could be used. Participants recommend that the state utilize the RCC report<sup>14</sup> in assessing tribes as to their technology levels. Tribal homeland security coordinators should conduct a tribal homeland security summit including all state tribal liaisons. This summit would consist of information exchange and resource education. The tribes could work with AOHS's tribal liaison in connection with the Joint Regional Exchange System (JRIES)<sup>15</sup>. Tribes should assess their own internal communications mechanisms. Also, participants recommend that tribes should obtain access to E-Team (an online software system used to report incidents and exchange information and resources)<sup>16</sup>. In any case, tribes should decide what information should be placed into this system and who will be allowed to access it.

*Question 4: Arizona 2-1-1 Emergency Services System – What role does Arizona 2-1-1 play in increasing emergency management capacity in tribal communities? How can the Arizona 2-1-1 Program help increase each tribe's emergency communications capacity? How can tribes become more involved in Arizona 2-1-1's implementation and upkeep?*

ADEM and other state agencies responsible for implementing 2-1-1 should consult with each tribe regarding the tribe's participation and commitment to maintaining the system. They also note that it is the responsibility of the Governor's 2-1-1 Council to include tribal information. Many participants noted that they were not familiar with 2-1-1 at all. Participants recommend that the state enter into an agreement with tribes to enter information into the system, and to identify the appropriate personnel who will provide this information. Participants also recommend that the state address 2-1-1 in the tribal homeland security summit mentioned in Question 3. Participants note that 2-1-1 is in its infancy stage, and that it's not an emergency system. They recommend that tribes do become involved with 2-1-1 from the early stages. Participants recommend that the state work to raise awareness of 2-1-1 programs and how the tribes can benefit from participating.

### PANEL DISCUSSION III-- EMERGENCY RESPONSE, MITIGATION AND CULTURAL CONCERNS

*Question 1: Local HS/EM response and mitigation structures – How can tribal communities develop a local EM response structure that is community based? How would a local EM preparedness committee work to enhance tribal emergency management? By October 2005, all parties who participate in Homeland Security grant programs must become compliant with National Incident Management System (NIMS) requirements. What resources are available to assist tribes in developing all-emergency, pre-disaster mitigation plans that are NIMS compliant? What role does the state, in particular ADEM, play in ensuring that all communities, including tribal communities, have mitigation plans in place?*

Participants recommend that tribal communities develop a community emergency response team

<sup>14</sup> The RCC report was produced by the RCC Consulting Firm as part of the State of Arizona's Statewide Interoperability Project. It assessed 11 counties for their interoperability capacity, including tribes in those counties.

<sup>15</sup> JRIES is a counterterrorism communications program founded and managed in conjunction with state and local governments, counterterrorism authorities, and law enforcement agencies.  
[http://www.dhs.gov/dhspublic/interapp/press\\_release/press\\_release\\_0354.xml](http://www.dhs.gov/dhspublic/interapp/press_release/press_release_0354.xml).

<sup>16</sup> <http://www.eteam.com/>. 5 July 2005.

(CERT)<sup>17</sup> and a tribal emergency response commission (TERC) along with their tribal emergency plan. CERT is voluntary, while TERC is mandated by federal regulations.

Tribes that do not already have plans in place could take advantage of models such as Gila River Indian Community's emergency plan and program in developing their own plans. They note that Gila River used the state's emergency plan as a template to develop their own plan to fit their own communities and cultural values. After a plan is developed, the tribe should educate all community members on the plan and how to deal with emergencies. Also, they recommend dealing with special populations, i.e. those with limited English proficiency.

They also recommend that the federal government continue to assist the tribes in developing their TERCs. ADEM could assist with developing tribal CERTs. Participants also recommend that FEMA increase funding access to tribes in developing emergency management planning and training. The participants recommend that a session be developed for the upcoming tribal homeland security summit that addresses tribal emergency management response and planning. They also recommend that this session include discussion on the federal government's responsibility for emergency planning and community under the Right to Know Act<sup>18</sup> as well as Citizens Corps opportunities<sup>19</sup>. This summit should be a dual effort of the Inter Tribal Council of Arizona (ITCA) and ACIA.

Participants note that the National Incident Management System (NIMS) protocol should be followed in developing plans. At a minimum, each tribe should have one point of contact and should integrate communications with federal entities.

Participants note that the Federal Emergency Management Agency (FEMA) offers training and will pay for training and travel expenses, and recommend that tribes should take advantage of this and other planning opportunities.

Some participants from FEMA note that the NIMS compliance deadline has been extended to October 1, 2006; however, they also note that some requirements and recommendations from FEMA must still be achieved by states, counties and tribes by October 1, 2005. Some participants are not aware of what NIMS compliance is, much less how to incorporate it into their plans. Participants strongly recommend that tribes receive more training and technical assistance from the state and from FEMA on how to become NIMS compliant. Participants recommend that tribes that do not yet have their plans in place make a concerted effort to develop these plans. Some participants note that ADEM will assist with full funding in this effort. Other resources include free, online FEMA independent study classes such as IS 100 (Introduction to the Incident Command System) and IS 700 (Introduction to the National Incident

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<sup>17</sup> The Community Emergency Response Team (CERT) program helps train people to be better prepared to respond to emergency situations in their communities. <<http://www.citizencorps.gov/programs/cert.shtm>>. 5 July 2005.

<sup>18</sup> The Emergency Planning and Right to Know Act (EPCRA) is Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C.9601 et seq. EPCRA was enacted by Congress as the national legislation on community safety. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards. To implement EPCRA, Congress required each state to appoint a State Emergency Response Commission (SERC). The SERCs were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee (LEPC) for each district. Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented." <<http://www.epa.gov/region5/defs/html/epcra.htm>>. 20 June 2005.

<sup>19</sup> The Citizen Corps was founded in Jan. 2002 to coordinate voluntary community emergency preparedness groups. Some of Citizen Corps' programs include CERT, Citizen Corp Councils, Neighborhood Watch programs, and medical and fire groups. 28 May 2004. 20 June 2005. <http://www.citizencorps.gov/index.shtm>.

Management System)<sup>20</sup>, as well as ITCA training and satellite training courses offered at IHS facilities. The state has also applied for a grant to develop mitigation plans. Participants note that people with special needs and cultural resources, such as museums that house irreplaceable cultural objects, should be taken into account when developing emergency plans.

*Question 2: Emergency management resources – What role do other state and federal agencies play in emergency response and mitigation? (examples: USDA, Rural Utilities Service, Small Business Administration, BIA, Arizona Department of Transportation, the Rural Development Authority, Arizona Commission of Indian Affairs, Arizona Department of Health Services, AHCCCS, Arizona Department of Housing, FBI, San Carlos Irrigation Project, Financial Crimes Enforcement Network and Arizona Department of Economic Security.) How can these agencies develop and/or enhance working relationships with tribes in advance of emergency situations? What role do private sector firms and non-profit organizations play in emergency response and mitigation? (Examples: APS, SRP, Southwest Gas, Qwest and other private telephone providers, tribal telecommunications firms, American Red Cross and Salvation Army) How can these firms and organizations develop and/or enhance relations with tribal communities in advance of emergencies? How can tribes become involved in the Arizona Emergency Services Association and/or other such associations to help build their EM response and preparedness systems?*

Participants recommend that the state and federal roles in emergency management and mitigation be reviewed by the tribes. They also recommend that tribes discuss the roles that state and federal agencies play in emergency response with these entities. Also, during the summit, training and outreach should be provided on these agencies' roles.

Some specific agencies include the United States Department of Agriculture (USDA), which provides financial resources for water and/or farmland; and the Small Business Administration (SBA), which provides loans for home repair and economic recovery<sup>21</sup>. Some tribes use global positioning systems (GPS) to identify homes where community members do not want house numbers or street signs. Participants recommend that emergency responders tour tribal communities so that they know the area in advance of emergencies. Also, tribes could gather contact information for volunteers, such as members of tribal youth councils who could be on standby to assist non-tribal members entering the reservation as a part of emergency response. This effort provides the added benefit of engaging more involvement and training by youth in their communities.

Participants note that private sector firms, such as utilities with facilities located on tribal lands should identify critical sites, such as substations, on tribal lands and assess security needs so the tribes can best plan how to protect these sites in cooperation with these firms. These firms should compile an emergency plan in collaboration with tribes, engage in first response and develop continuity plans that provide flexibility while reducing or mitigating interruption of essential services such as utilities, health care, food distribution and telecommunications. These firms should also have 24-hour contact with key players in tribal communities.

Some participants note that Arizona Public Service (APS) already has emergency plans in place and has incorporated these into MOUs with tribes in land leases. They feel it's a good start, and recommend that tribes should ensure that these policies are in place when negotiating leases. Participants also recommend

<sup>20</sup> 20 June 2005. <<http://training.fema.gov/EMIWeb/IS/crslist.asp>>.

<sup>21</sup> The SBA has a Disaster Recovery Office, which assists business owners, homeowners and renters with loans. <[http://www.sba.gov/disaster\\_recov/index.html](http://www.sba.gov/disaster_recov/index.html)>. 23 June 2005.

that each tribe establish a liaison with ACTIC.

Participants recommend that financial institutions, food stores, utilities, fuel resources and other private businesses be included in emergency planning and mitigation plans with AOHS.

ADEM will be the state organizer in the TOPOFF 4<sup>22</sup> to be held in 2007. TOPOFF is the largest exercise in history between federal, state, local and tribal entities. This particular exercise is designed to train agencies in responding to a weapon of mass destruction emergency. This year's TOPOFF will be held in Arizona, Oregon and Guam. The tribes should be aware of this exercise and be ready to participate.

Communities and families should also have their own emergency management plans in place, say participants. Education should be provided to communities and families on developing these plans by any entity that is appropriate, such as the American Red Cross, and the tribes should facilitate these programs. Participants recommend that disaster mitigation should play a vital role in any planning efforts.

Participants recommend that tribes should become members of the Arizona Emergency Services Association and other such organizations, such as the National Association of SARA Title III Program Officials (NASTTPO)<sup>23</sup>.

They also recommend that tribes become involved in table top exercises (mock disaster exercise) and other training exercises, and not wait until an emergency happens to respond. Tribes should learn what organizations can help, and utilize them. Again, tribal emergency managers should be identified and be ready to integrate with county managers. Also, ITCA provides information on training on emergency management and public health preparedness.

*Question 3: Bioterrorism –What role do local, state and federal agencies play in working with tribes to develop effective mechanisms to deal with a bioterrorism attack? What policies are already in place to deal with bioterrorism? What policies would best enable multi-jurisdictional response to such an attack?*

Participants recommend that plans be in place to ensure adequate response to bioterrorism attacks. Participants recommend that IGAs be made between tribes, counties, local and state agencies to use facilities such as schools for mass vaccinations. Also, participants recommend that personnel be appointed to receive, disseminate and communicate with counties on bioterrorism information. They also recommend that tribes enter into IGAs directly with the state to use the existing strategic pharmaceutical stockpiles of medications<sup>24</sup> to deal with bioterrorism; however they should have their

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<sup>22</sup> TOPOFF is short for Top Officials, consisting of an ongoing series of large-scale exercises designed to test federal, state, and local preparedness and response capabilities to a complex scenario. This is the fourth exercise performed.

<sup>23</sup> NASTTPO is comprised of members and staff of State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), various federal agencies and private industry. Members include state, tribal or local government employees with Emergency Planning and Community Right to Know (EPCRA) program responsibilities, such as health, occupational safety, first response, environmental, and emergency management agencies. Associate members are welcome and include anyone with an interest in effective EPCRA implementation. The membership is dedicated to working together to prepare for possible emergencies and disasters involving hazardous materials, whether they are accidental or a result of terrorist acts. 20 June 2005. <<http://www.nasttpo.org/>>.

<sup>24</sup> Strategic National Stockpile (SNS) is a subsidiary of the Centers for Disease Control and Prevention. It has large quantities of medicine and medical supplies to protect the American public if there is a public health emergency (terrorist attack, flu outbreak, earthquake) severe enough to cause local supplies to run out. Once Federal and local authorities agree that the SNS is needed, medicines will be delivered to any state in the U.S. within 12 hours. Each state has plans to receive

own protocols in place regarding usage. All health entities should work together to develop points of dispersion<sup>25</sup>. Region IX of FEMA has a tribal liaison model in place for bioterrorism response, and this model could be used by other tribal communities, participants say.

*Question 4: Cultural concerns – Using the examples of the training sessions of the Navajo Nation and Laguna Pueblo, and resulting consequences, discuss how tribal communities can become better prepared to respond to emergencies while respecting cultural concerns. How can the state and tribes work together to ensure that tribal cultural beliefs and concerns are respected and addressed while providing for adequate advance planning for emergency response? Discuss the role of state agencies (ACIA, Governor’s Tribal Liaison Group) and of tribes (cultural resource teams).*

Participants strongly recommend that the governor mandate a curriculum development and training program on cultural orientation and awareness for state employees who interact with tribes. Participants demand that the federal government include cultural education as part of their hiring practices and recurring training. They also recommend that communities have discussion early on with outside responding agencies, to prevent behavior by responders considered to be offensive by the tribe. This is up to each tribe to determine, say participants.

State agencies need to respect tribes, and accept that some things are classified, such as the location of sacred sites that tribes don’t always want to disclose. One example noted by participants is an issue faced by the Gila River Indian Community. Ever since the location of Snaketown, a sacred site on the Gila River Indian Reservation, was disclosed, the site has been plagued by looting. Some participants recommended working with tribal cultural preservation offices in consultation with medicine men, traditional elders or other spiritual leaders in addressing cultural concerns.

Participants recommend that emergency responders participate in mock emergency training off-reservation as necessary in order to avoid situations such as Laguna Pueblo<sup>26</sup>. Participants also recommend that tribes contribute to ADEM’s cultural information packet on cultural awareness to give responders training in responding to emergencies. The state should form a policy on state-tribal relations. Also, participants recommend that the state should be better educated on issues related to the Native American Graves Protection and Repatriation Act (NAGPRA).

Participants stress that tribes cannot compromise their cultural views when planning for emergencies.

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and distribute SNS medicine and medical supplies free to local communities as quickly as possible. 20 June 2005. <<http://www.bt.cdc.gov/stockpile/>>.

<sup>25</sup> Points of Dispensing are also known as PODs or Points of Distribution. They are generic clinic structures which quickly provide prophylactic medication to the at-risk population.

<sup>26</sup> The Laguna Pueblo in New Mexico developed a collaborative partnership with the Acoma Pueblo, the Ramah Navajo community, Cibola County, and the communities of Pine Hill and Grants. This partnership is designed to share resources, training and response commitments. These entities all participate in their local preparedness committees. In 2004, the partnership conducted an emergency exercise consisting of a mock train derailment. The Pueblo elders were unsure about conducting the exercise on tribal lands, as traditionally, people should not act out things that they do not wish to happen. One month later, a train actually derailed about ¼ mile away from the site of the exercise. The partnership decided that, in order to respect tribal tradition while continuing with the effort to train emergency responders, future training will take place off the pueblo lands. It was also decided that tribal participants in emergency exercises will undergo a purification ceremony before returning home. This proposal was approved by the elders. “First Southwest Regional Native American Homeland Security Conference Proceedings.” 18 Nov. 2004.

## 25<sup>th</sup> ANNUAL ARIZONA INDIAN TOWN HALL REPORT

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(1) After their initial meeting on June 14, 2005, the NCAI Homeland Security Task Force circulated a white paper that will assist tribal leadership in addressing their homeland security concerns in the U.S. Congress.

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